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July 9, 2008

AB-33.251X

The Honorable Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
Office of the Secretary
395 E Street, S.W.
Washington, D.C. 20423-0001

Dear Ms. Quinlan,

Please find attached a corrected Statement of Willingness to Assume Financial Responsibility in the above entitled matter currently before the Surface Transportation Board. The City of Madison has agreed to amend the original Statement of Willingness filed on June 24, 2008 by including all required liability language, and assume all financial responsibility replacing entirely any responsibility previously assumed by the Wisconsin Department of Natural Resources (WisDNR).

This new Statement of Willingness includes language that was inadvertently omitted in the Statement of Willingness filed on June 24, 2008. I also include a new and correct Certificate of Service dated today, July 9, 2008.

The negotiating period is currently open until November 12, 2008, but an agreement is expected this month.

I have served a copy of the new Statement of Willingness and Certificate of Service upon the Union Pacific Railroad and WisDNR, and forwarded a copy to the City of Madison.

Thank you,

Attorney Kathleen Chung
Wisconsin Department of Transportation
4802 Sheboygan Av.
P.O. Box 7910
Madison, WI 53707-7910
(608) 266-8810
kathleen.chung@dot.state.wi.us

BEFORE THE SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY
ABANDONMENT EXEMPTION IN DANE COUNTY

STATEMENT OF WINNINGNESS TO ACCEPT RESPONSIBILITY BY
THE CITY OF MADISON, WISCONSIN
PURSUANT TO 49 CFR 1152.29

In order to establish interim trail use and rail banking under 16 USC 1247(d) and 49 CFR 1152.29, the City of Madison, Wisconsin (City), is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of and for the payment of any taxes or assessment that thereafter may be lawfully levied against the property it acquires from the present owner, Union Pacific Railroad Company. The segment for which the City is making this Statement of Willingness is the following portion of rail line:

Central Soya Line, Harvard Subdivision, between Mile Post 85.5 Beltline in the City of Madison, Wisconsin and end of track at Mile Post 89.9 in the City of Fitchburg, Wisconsin, a distance of 4.4 miles in Dane County, Wisconsin.

A map depicting the property to be acquired by the City is attached to this pleading as Exhibit "1"

The City acknowledges that use of the property is subject to the City continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the property for rail service. A copy of this statement is being served on the railroad, Union Pacific Railroad Company, on the same date it is being served on the Surface Transportation Board.

CITY OF MADISON, WISCONSIN
a municipal corporation

By: 

David J. Cieslewicz, Mayor

Date: 5.31.08

Approved


for Dean Brasser, City Comptroller

Date: 5-29-08

By: 

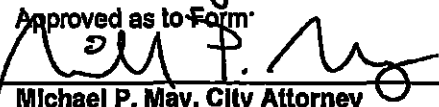
Maribeth Witzel-Behl, City Clerk

Date: May 22, 2008


Eric T. Veum, Risk Manager

Date: 5/28/08

Approved as to Form:


Michael P. May, City Attorney

Date: 30 May 2008

Execution of this Statement of Willingness is authorized by Resolution Enactment No. RES-07-00780, File No. 06858, adopted by the Common Council of the City of Madison on August 7, 2007.

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Statement of Willingness to Assume Financial Responsibility by the City of Madison in regards to AB33 251X, by electronic mail, pursuant to 49 C F R §1104.12, this 9th day of July 2008, on all parties of record on the service list

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Kathleen Chung, Attorney
State Bar no 1032802
Wisconsin Department of Transportation
Office of General Counsel